

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In Re:

PROMESA

TITLE III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO
As representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, Et Al.,

(Jointly Administered)

Debtors

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URGENT THIRD MOTION TO INTERVENE AND FOR DECLARATORY JUDGMENT

TO THE HONORABLE U.S. DISTRICT COURT FOR THE DISTRICT OF P.R.
(HUSD CDPR):

Comes now, the proposed or putative Intervenor, appearing here Pro Se and In
Forma Pauperis (IFP) de facto and respectfully States, Alleges and Prays as follows:

I. Background and Introduction

In thy Honor's 2/6/2019;"Order Denying Urgent Second Motion Requesting Declaratory
Relief", thou determined and ruled the following:

"The Court has received and reviewed the Urgent Second Motion Requesting Declaratory Relief (Docket Entry No. 4776, the "Motion"), filed by Angel Ruiz Rivera ("Movant"). **The Motion requests a declaratory judgment that "all the debt incurred into by the officers of the Government of P.R., above the limits prescribed in the 1961 amendment to the Constitution of P.R., as pre-approved, pre-authorized and pre-legislated by the U.S. Congress is null and void ab initio"** The Court has reviewed the Motion and, mindful that it was filed pro se, affords it a liberal interpretation. However, the Motion is denied for the reasons provided herein.

First, Movant has not demonstrated standing to seek the relief sought in the Motion. Section 1109(b) of the Bankruptcy Code, made applicable to the above-captioned Title III cases (the "Title III Cases") by Section 301(a) of PROMESA, 48 U.S.C. § 2161(a), which provides that "[a] party in interest, including the debtor, the trustee, a creditors' committee, an equity security holders' committee, a creditor, an equity security holder, or any indenture trustee, may raise and may appear and be heard on any issue in a case under this chapter." 11 U.S.C. 1 § 1109(b). "Therefore, a person or entity that does not have a legal or financial stake

in the case is generally excluded from the definition of 'party in interest.'" *In re Horned Dorset Primavera, Inc.*, No. 15-03837 (ESL), 2018 WL 3629952, at *7 (Bankr. D.P.R. July 27, 2018). Here, Movant has not pleaded facts regarding a legal or financial stake in the Title III Cases that would demonstrate that he is a "party in interest" within the meaning of section 1109(b).

Second, to the extent that the Motion may be construed as a motion to intervene, it is denied because Movant has not identified any pending contested matter or adversary proceeding in the Title III Cases in which he seeks to intervene nor alleged that he has any interest that may be affected by the disposition of any matter in these Title III Cases. The Court has previously advised Movant that a request for intervention that neglects to identify a pending proceeding in which he seeks to intervene fails to state a claim upon which relief may be granted. (Order Denying (I) Motion to Proceed in Forma Pauperis; (II) Motion to Intervene and Requesting Declaratory Judgment ; and (III) Motion for Disqualification of Various Members of the Financial Oversight and Management Board, June 16, 2017, Docket Entry No. 354.)"

II. ARGUMENT IN SUPPORT OF REQUEST TO INTERVENE IN FORMA PAUPERIS AND FOR STANDING TO INTERVENE

1. First, when I filed my first Motion in this same vein, this same Honorable Judge did not rule that this movant did not have standing. Ergo, this ruling came as a surprise given the *fait accompli* that this same HDCJ did not then rule that I did not have standing and nevertheless thy honor: acted, considered, evaluated and ruled upon that previously filed first Motion.

2. Second, regardless of the technicalities of the PROMESA law that gave place to this Honorable Judge's appointment by the Honorable Chief Justice of the Honorable U.S. Supreme Court (HUSSC), the Honorable Justice John Roberts, to administer, apply and manage Justice in the instant controversy; movant respectfully avers that I must legally have standing to appear and file motions within this controversy, first on my own right, because I have a claim pending and *sub judice* against the Government of P.R., specifically, the Departamento de la Familia (DF), (See Ruiz Rivera v. Anibal Acevedo

Vila, Luis Fortuño, Alejandro Garcia Padilla, Ricardo Rosselló; KAC2004-0692), timely filed before the Honorable Tribunal of First Instance (TFI) of San Juan.

3. I must have legal standing because I absolutely, definitely and obviously have a financial stake in this lawsuit since I am paying part of the Government of P.R. debt object of this litigation as are all the other millions of Puerto Ricans and inhabitants of this archipelago who are similarly situated, every time we buy a good or service and pay the corresponding excise and sales taxes applied to them to pay same debt.

4. I further have standing to intervene because my children and grand children are also paying that debt and several of the parties to this litigation pretend that they continue to pay same debt for the next scores and scores of years.¹

5. In addition to the above, for equitable reasons, this movant insists and reiterates he has standing to appear in the instant controversy procedures, because of the following.

1. My paternal great grandmother arrived to this beautiful archipelago known as Puerto Rico from Spain via Cuba in 1883 due to the fact that my paternal great grandfather had died fighting for Spain as a result of the aftermaths of the first Cuban Independence War, the so-called ten years war from 1868-1878. As a result, he is buried in Cementerio Colon at La Habana, Cuba.
2. My paternal grandfather fought in the Spanish American War in 1898. For hard smoking gun and overwhelming evidence in this vein, please see photos of a Springfield rifle of that WAR, inherited from my paternal grandfather and who he got as part of an after-the-war ended exchange with a U.S. of A. Army infantryman, included as Exhibit 1 of this Motion.
3. My maternal great grandmother arrived presumably from some heretofore unknown country in Africa in same nineteenth century, as a result of the slave

¹ It is unfathomable that it may be legal that government officials that were elected for four (years) can be legally and judicially allowed to enter contracts of up to forty (40) years when the mandate given to them by the People was for only one tenth of that time. Incidentally, in my original Complaint and Motion for Declaratory Judgment filed at the local court and in all those filed in federal court,(cited in footnote 5 below in this Motion) I have also timely included the rest of the clause 2 of Article VI of the P.R. Constitution that expressly, specifically and explicitly allow for 30 and 40 years bonds only in the case of financial transactions to finance housing and nothing else but housing.

traffic that was then run by the European countries that claimed and still claim that are the bed of the so-called Western Civilization and colonizers of the so-called New World.

4. My maternal grandfather was a proud and good auto mechanic who was a political leader ("lider de barrio") in his neighborhood in Mayaguez, P.R, but who died before I was able to meet him.
5. My father was a Korean War veteran who proudly fought in the early 1950's, for the then otherwise Great U.S. Of A.
6. My mother was an honest and hard working woman all her life, who did her best to teach us, inter alia, that one must fight injustice, until the end, especially when one is right, no matter if is convenient or not, as a matter of principle.²

²When I was 10 years old, coming back home from Catholic Mass at Santa Rita church in Urbanization Hermanas Davila in Bayamon, P.R. where I was raised, while my mother was making a left turn to enter our house garage, our 1963 Chevrolet Bel Air was struck in the front by some youngsters that were race dragging at the time. My 9 year old brother and 8 year old sister, my mother and myself, were all physically, mentally and emotionally hurt by that accident. When that accident came into trial, surprisingly and unjustly enough, my mother appeared as the culprit and ergo, accused by the Government as the person responsible for this car crash or technically, traffic accident. Since my mother could not metabolize this Injustice, just as all similarly situated human beings cannot, whenever we fall into this predicament, but as the stoic fighter of justice principles she indeed was, she hastily moved to have this clear injustice cured. Although she did not have the luck and privilege of a college education (I was the first one in my genealogical tree to earn that level of education), she fought as hard as she could, amidst her limitations, since due to the poverty she had lived in she was not able to finish even her high school (a fact which I learned many years later), to get a meeting with the then, Secretary of Justice of P.R., the Honorable Hiram Cancio, Esq. (who later became the second appointed Puerto Rican Federal Judge in this same forum), in order to raise her indignation and protest for having been determined to be the accused in the criminal proceedings related to these events. I cannot attest to what ever happened as a result to her visit to then Secretary and later Judge Cancio, since I was only 10 years old, but I can attest to the fact, since I was there present, that in the next hearing of that criminal procedure, the case against her was dismissed in her/our favor. The lesson learned as a result of her never or seldom seen determination, fortitude, resilience and struggle for Justice by a Puerto Rican woman, especially back in that epoch, in defense of her family and her own ethical and moral principles and values, was and remains the reason why I have been fighting for Justice in this forum, for decades, regarding other issues not related to the ones here. (In other words, my mother was my personal Rosa Parks).

This is the main reason why I am vehemently and vigorously fighting against the grave and serious Injustice perpetrated against all Puerto Ricans and inhabitants of this beautiful and unique archipelago that are under the consideration and evaluation of thyself, Honorable Judge,

With regards to the illegal and unconstitutional acts and omissions incurred into by the Defendants, in my initially filed October 2014 civil action at the local courts and afterwards at this own HUSDCDPR and later at the U.S. Court of Appeals for the First Circuit (USCA1C), and even the own U.S. Supreme Court, I have sought for the declaration by a competent court of law, that

7. When I was raised, my parents had a very humble poultry business where chickens and hens were fed, only to get killed and processed to get them rid of their wings first and their viscera second, to be sold fresh to the customers that came looking back then for fresh, recently killed and prepared poultry.³
8.
As far as I know, my parents always paid their taxes and ergo, were never found to having been in default or having unpaid all their taxes.
9. I started working in my parents' small businesses,⁴ since I was 8 years old but by age 10, I started working at Oyola Supermarket in Calle Comerio, Bayamon. There I started as a bagger, and then was upgraded to a processor at the Vegetable's Department. This is pertinent because since then, in 1963, I started paying taxes.
10. Fast forwarding to this day, last year I paid more than \$5,800.00 in income taxes excluding all the thousands of dollars in excise and sales taxes that I paid for everything I bought, consumed, or received a service for, due to the laws that were approved by the Government of P.R., in order to pay the creditors of debt previously incurred into by the same Government of P.R., some if not most of it, unconstitutionally and in violation of pre-existing federal law.
11. Since I am one of the millions of inhabitants of P.R. that have been paying this illegal and unconstitutional debt and it is expected that in addition to myself; my children, grandchildren and even great-great grandchildren continue to pay it for the next scores and scores of years to come and go, I respectfully aver, insist and reiterate, with all due respect, that I have standing to appear and claim before this federal court, and in this instance before thy Honor, [as I have

at least some of this debt is null and void *ab initio* for having been issued against and contrary to federal law and the Constitution of P.R., which are clearly applicable and controlling in this controversy.

³ In her book, "El Mundo Adorado" (The Adored World), [Vintage ISBN en tapa blanda (paperback version): 978-0-525-56461-4; ebook ISBN: 979-0-525-56421-1 Español] of the Honorable U.S. Supreme Court (HUSC) Justice Sonia Sotomayor, she details how she used to go with her grandmother to a similar place, [(she calls it a "vivero"), when she was 9 years old or so. At that age, I was the one killing and cleansing the chickens and hens and in Thanksgiving epoch, even the turkeys, reason why I was bullied by most if not all of my classmates at elementary, middle and high school.

⁴ My parents owned other small businesses where I was forced to work after school as it was the custom and usage back then. One of them was a cafeteria, bakery and off-the-track betting agency next to Bayamon's Agustin Stahl's main public high school and two (2) posts in the Plaza De Mercado, a center for the selling of agricultural goods, where my parents owned one who also sold poultry although of a different kind ("Del Pais" vis a vis "Americano Blanco" or a/k/a "De Granja") and also fish. (Posts 12 and 13 of the old Plaza del Mercado de Bayamon).

already been doing for the past four (4) years now in different civil actions in various local and federal forums]⁵ as any Puerto Rican inhabitant of this archipelago, in pursuit of having a competent and just court of law judicially declare, *de minimis*, that the portion of the debt that was issued, brokered, offered, and sold illegally and unconstitutionally in the markets, be finally and forever declared null and void ab initio.

12. The bottom line of this argument is that if the evidence proves that my family and myself have been living here in this archipelago at least since 1883 and we have been decent, law abiding, never convicted of anything, taxpaying citizens, my legal right to legally appear, aver and claim in a competent court of law in defense of my family and myself legal rights, in the archipelago my antecessors and myself have been born, raised; lived, loved, worked and died, for centuries now, should not be legally pre-confiscated for no legally justifiable or plausible reason as is has happened in this controversy.

6. For the above stated reasons, movant respectfully insists and reiterates his prayer that this HUSDCDPR, Honorable Judge should, given the *fait accompli* that the U.S. Congress legislated by Joint Resolution back on August 3, 1961, Federal Law 87-121 and that as its concomitant, Section 3 of the Federal Relations Act was “pre-approved, pre-authorized, and pre-legislated’, upon the People of P.R. approving by way of a referendum same amendment to their previously also approved by two (2) U.S. Congress’s, 1952 P.R. Constitution, as in fact they did, in December 10, 1961; to determine and rule that all the debt issued in excess of the limits of the 1961 Federal Law and P.R. Constitutional amendment is null and void ab initio.

7. With all due respect, there is no reason why given the above cited and referenced Federal law, and the corresponding and pertinent amendment to the P.R.

⁵ See [KDP2015-1158(808-TPI-SJ); KLAN2016-00523(TA-SJ); MD-2016-0002(TSPR); MD-2016-0003 (TSPR); MD-2017-0005(TSPR)] at the local courts and my timely filed motions to intervene and for declaratory judgments in this HUSDCDPR:[16-01037-(FAB)], [16-02374-(FAB)], [17-03283(LTS)]; my timely filed appeals before the Honorable U.S. Court of Appeals for the First Circuit (HUSCA1C); (16-2208), (17-1337), (17-1743;) and my petitions for certiorari before the own HUSSC, (17-8486) (17-8487); (17-8480) and now 19-5203. See Exhibit 2 here.

Constitution, that the illegal and unconstitutional portion of the debt issued above the limits imposed and prescribed precisely by both the above, may remain legally valid and much less maintained, retained and sustained by a court of law, much less thyself which constitute the administrator and manager presiding over a court of law of special and specific jurisdiction, and which emerged and surged precisely as the result of another recent Federal Law of the U.S. Congress (PROMESA ACT), presumably with the intention to cure the defects of scores and scores of years of corruption and fraud..

8. Said statute was designed and approved. to resolve the injustices to all the parties involved and the reason for this Honorable Judge having been_appointed and trusted by the HUSSC Chief Justice Roberts, and more importantly the institution he represents to administer and manage Justice presumably to all the parties affected by the illegal, unconstitutional and negligently issued debt by the Government of P.R.

9. There is nothing to even suggest that thy Honor asked or lobbied to be appointed for this formidable task by the HUSSC, Honorable Justice Roberts, and much less that thyself may had had a professional or personal interest into being appointed to have to deal with one of the most if not most complex litigation in the history of this otherwise Great U.S. of A., both quantitatively and qualitatively. The scenario or predicament you have fallen into by God, Destiny, or Fate, or all of the above, reminds me of the one where today Justice Sonia Sotomayor fell into in 1994, when she was an Honorable Judge in the Honorable U.S. District Court for the Second District of New York, (HUSDC2DNY) when all the owners of all the U.S. Major League Baseball Organization, (USMLBO), banded and confederated to create a lock-out and she was strong enough as to decide for the players in a controversy whose repercussions reached to the level of the

suspension of the USMLBO season and all the billions of dollars in economic and financial losses that this entailed.

10. Justice Sonia Sotomayor is a Puerto Rican, raised in N.Y, from a humble, but proud upbringing and is a proud example and model for all of the millions of Puerto Ricans, living in and out of our archipelago, the Cuban and Dominican Republic and from other countries' inhabitants, including U.S. of A. Americans, who has raised to the level, by her executions, of a Roberto Clemente; perhaps the best baseball player ever in all senses; Antonio Paoli, the best tenor of classical music and Opera of all times; an Arturo Schomburg, the Afro-Puerto Rican who started the investigation of the roots of all Afro-Americans; Juan Tizol, the composer of "Carnaval", the most heard and played musical piece of Jazz in the world; Jose Ferrer, the first Puerto Rican and Latino to earn an Oscar; Rita Moreno, the first human being to have earned an Oscar, Grammy, Tony and Emmy award; and Juan "Chi Chi" Rodriguez, once a poor caddy who became one of the best golfers in the world; all of them poor Puerto Ricans that were brave and courageous and became examples and models to be followed by our youth.

11. As an Afro-American woman presumably from humble backgrounds, who valiantly fought and defeated the adversity that similarly situated women have faced in the past and still do in the present, to reach the honor, privilege and prestige that you have indeed accomplished, it is up to your conscience and mind, the power to exert your authority in such a fashion where, as Sonia Sotomayor did before, you may accept the formidable challenge before you, and rule according to the Federal law and Constitutional Amendment that precedes you. By so doing you will become an example and a model not only for future Afro-American women struggling to make it in this otherwise Great U.S.

of A., but for all minorities and even non-minorities. Doing the right thing here in this controversy, will elevate you to the level of a Phyllis Wheatley, a Thurgood Marshall, a Louis Armstrong, an Ella Fitzgerald, a Jackie Robinson, a Sidney Poitier⁶, a Rosa Parks, a Martin Luther King, Jr., an Arthur Ashe and/or a Maya Angelou.

12. Thou have the trust of the Chief Justice of the HUSSC, of the federal judiciary, of the People of the U.S. of A. and of the People of P.R. You are at the crossroads of making history and providing for Justice. There is no reason for you not to declare that the August 3, 1961, 87-121 Federal Law and its amendment to section 3 of the Federal Relations Act entrusted to the People of P.R. by the U.S. Congress via the amendment to the 1952 Constitution of P.R., also approved by not one, but two U.S. Congress, contained in Section 2 of Article VI of same Constitution, approved in a legally binding referendum where 82% of the voters approved it, are the applicable and controlling laws that must be judicially applied, declared and a fortiori ruled to govern this controversy.

13. The best part of doing what should be done is that all the creditors will be able to collect and get paid but instead from my pocket and those of my children, grandchildren and great grandchildren and of all those millions of Puerto Ricans and inhabitants of this archipelago similarly situated, they will get paid from the pockets of the insurance companies that were paid to cover the exposure in the public civil liability insurance of the Directors and Officers of all the Boards of Directors of all the entities that were negligent in approving without any qualifications nor reservations, the sales-purchase of the

⁶ Sidney Poitier was the first Afro-American to win the OSCAR. He was born in Bahamas. Because of the devastation of Hurricane Dorian over that country, I pray that their people recover faster than the Puerto Rican people after Hurricane Maria.

Government of P.R. public debt that they knew or should had known was above the limits specifically, expressly and specially proscribed in the applicable and controlling federal law and the P.R. Constitution.

III. CONCLUSION AND PRAYER FOR RELIEF

14. To summarize this part of this Motion I must refer thy Honorable Judge to the contents of a Mandamus Petition that I have filed in this vein before the HUSSC and which is sub judice. See In Re Ruiz Rivera, 19-5203, Exhibit 2.

IV. ADDITIONAL RELATED ISSUES OF CONCERN TO THE COURT

A. THE QUI TAM ACTION PRE-EMPTION

15. In another vein, I have noticed that after I was the first one to raise the above legal issue, and the evidence in support, (Federal Law 87-121 of August 3, 1961 and Clause 2 of Article VI of the Constitution of P.R) some other parties through their lawyers, have echoed, copied, emulated or perhaps even forensically plagiarized my raising of the above in their filings before this HUSDCDPR, Honorable Judge. Since there exists a high probability that eventually my allegations, averments and claims in this vein may be granted by this or another forum in this federal jurisdiction, I must pray that you apply to this legal issue the maxim of first in time, first in right, so that if there is ever a financial compensation to anyone as a result of what I labeled and ergo qualified since the outset as a qui tam action, that I may be protected by this court of law as the legally rightful creditor of whatever monetary compensation may result from all this litigation. See Vermont Agency of Natural Resources v. United States ex rel. Stevens, 529 U.S. 765 (2000).

B. THE UNIVERSIDAD DE PUERTO RICO ("UPR") ISSUE

16. In another vein as an ex alumnus of the Universidad de P.R. (UPR) with evidently obvious standing to appear at least as as an intervenor for my Alma Mater, I again respectfully, ask that thy Honor declare the intervention of the FMBPR without jurisdiction over the UPR financial matters given the fact that the UPR is a legally sui generis quasi-private entity with its own Board of Trustees, budget, with total autonomy from the rest of the Government of P.R. and no Board of Directors simply because there are no stockholders.

17. As far as I have been able to find in the cases that to a certain extent could be considered precedents to the instant one, inter alia, New York, (see New York State Financial Control Board⁷) and Detroit Financial Review Commission,⁸ in none of them the Board or Commission intervened in the financial matters of non-profit higher education institutions such as the UPR. There is no reason under the law, reason or logic for the FMBPR to have been illegally interfering with the UPR financial decisions.

18, Ironically, almost twenty (20) years ago, the first woman ever elected governor of P.R.. the Honorable Sila Calderon, created a Blue Ribbon Commission to evaluate the

⁷The New York State Financial Control Board was created in 1975 following a financial crisis and state bailout to oversee municipal spending. The board included both government officials and citizen representatives. The board was created pursuant to the New York State Financial Emergency Act of The City of New York, and was initially known as the Emergency Financial Control Board (EFCB). Three years later the word "Emergency" was removed from the group's name and its charter was extended for thirty years. While direct management of the city's budget ended in 1986, the board continues to monitor the city's financial health. The mayor of New York City and the governor of New York State both serve on the seven-member board.

⁸ Actually, history shows, ergo, proves that in the case of Detroit, special efforts were made to maintain, retain and sustain the assets of the Detroit Institute of Arts out of the reach of the city creditors.

government transactions that were since then corrupt and fraudulent. The Commission was composed by members of all political ideologies and presided by the Ex-Representative David Noriega, Esq. a leader of the minority Partido Independentista Puertorriqueno (PIP) who was respected by all sectors of our political spectrum for his fiscalization of fraudulent contracts.

19. It just happened that the first transaction investigated by the Blue Ribbon Commission was the fraudulent and illegal issuance of a \$90 million dollar bonds by the U.P.R. Board Of Trustees to abuse of its assets and full faith and credit to provide the financing for Plaza Universitaria, a private project that belonged to ex-Secretary of State of P.R., Eng. Pedro Vazquez, Esq., This is an example of how in one transaction a \$90 million dollars fraudulent transaction was perpetrated. While David and the other members of the Blue Ribbon Commission were investigating this scandal, they found evidence proving that some other New Progressive Party (NPP) leaders had conspired with a rich donor of both the PNP and the Republican Party to help him fraudulently make more than one million dollars a month for about six or seven months, in a lease and sales back real estate transaction of Barbosa 306, Hato Rey building. When the politicians were caught off-guard they took the initiative and sued the Blue Ribbon Commission in this same HUSDCDPR claiming discrimination. See Aponte v. Calderon, 01-1963 (JAF).

20. That case was assigned to the ex-Federal Judge Jose A. Fuste, (who later resigned) and who ruled in favor of the corrupt politicians. Although the federal judges of the HUSCA1C panel later revoked this atrocity by Fuste, they heretofore⁹ have failed to

⁹ See my Motion To Intervene in 01-1963 (JAF), 176 F.Supp. 2d 135 (D.P.R. 2001), 1-2705 and 1-2706 before the HUSCA1C but very specially my Mandamus Petition before the HUSCA1C: 02-1068.

process Fuste for his real reasons behind siding with the corrupt politicians in the action mentioned above. The real reason was that he was protecting his cousin Dr. Norman Maldonado, who was his cousin and the person who got Fuste his judgeship, and who was the one who had fraudulently and illegally approved the \$90 million dollar in UPR notes while he was its President. By ruling in favor of the corrupt politicians, Fuste deliberately debilitated and in effect derailed the Blue Ribbon Commission, which by the time the HUSCA1C revoked him, had lost all its momentum as a fiscalizing institution.

21. If the FMBPR had a real interest in the UPR, the first decision they should had made was to declare the \$90 million dollar debt issued by Dr. Norman Maldonado, ex-Judge Fuste's cousin, also illegal and ergo, void and null ab initio, or nunc pro tunc if you may prefer.

C. THE FMBPR OPERATIONAL BUDGET ISSUE PER SE

22. I must also take advantage of this opportunity to request from Thy Honor to declare illegal the portion of the PROMESA law that provides for us to have to pay the costs of the FMBPR. As you know there is a millenary well known principle that was the main precept of the promoters of the U.S. of A. revolutionary war against Great Britain; no taxation without representation. If we do not have representation in the branches of the U.S. Government that approved and appointed the members of the FMPPR, why should we be paying their tab?

23. The worst part of all this imbroglio is that under the present state of affairs, hundreds of millions of U.S. of A. citizens residing in the so-called continental U.S. of A., Alaska and Hawaii, represented by their Senators and Representatives at the U.S. Senate and U.S. House of Representatives, legislated the PROMESA law to establish a Board whose members were appointed by a President, (without even the advice and

consent of the Senators and Representatives, another issue presently sub judice before the Court), when we did not and do not vote for any of the above.

24. Such Board or Junta has been prescribed to administer and manage not only

reason was that he was protecting his cousin Dr. Norman Maldonado, who was his cousin and the person who got Fuste his judgeship, and who was the one who had fraudulently and illegally approved the \$90 million dollar in UPR notes when and while he was its President. By ruling in favor of the corrupt politicians, Fuste debilitated and in effect derailed the Blue Ribbon Commission, which by the time the HUSCA1C revoked him, had lost all its momentum as a fiscalizing institution.

21. If the FMBPR had a real interest in the UPR, the first decision they should had made was to declare the \$90 million dollar debt issued by Dr. Norman Maldonado, corrupt Judge Fuste's cousin, also illegal and ergo, void and null ab initio, or nunc pro tunc if you may prefer.

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23. The worst part of all this imbroglio is that under the present state of affairs, hundreds of millions of U.S. of A. citizens residing in the so-called continental U.S. of A., Alaska and Hawaii, represented by their Senators and Representatives at the U.S. Senate and U.S. House of Representatives, legislated the PROMESA law to establish a Board whose members were appointed by a President, (without even the advice and

26. For this reason, I pray that this HUSDCDPR declare illegal the pretense that we pay the costs of operation of a Board that was approved and imposed by members of the U.S. Government we did not and do not vote for, reason why they should not be allowed to tax us.

D. The Also Unconstitutional and Illegal Obligations For Forty (40) Years

27. It is unbearable, unfathomable and unprecedented, that government officials that were elected for four (years) can be legally and judicially allowed to enter contracts of up to forty (40) years when the mandate given to them by the People was for only one tenth of that time. Incidentally, in my original Complaint and Motion for Declaratory Judgment filed at the local court and in all those filed in federal court,(cited in footnote 5 in this Motion) I have also timely included the rest of the clause 2 of Article VI of the P.R. Constitution that expressly, specifically and explicitly allow for 30 and 40 years bonds **only in the case of financial transactions to finance housing and nothing else but housing**. For this reason only, without more, thy Honor has more than enough reasons in law to declare that all this long-term debt issued against the Constitution of P.R. and Federal Law 87-121 of 1961, is null and void ab initio for having violated both clearly applicable and controlling mandates of the Law of the Land.

CONCLUSION

For all the above stated reasons, I pray that this HUSDCDPR considers, evaluates and grants the instant Motion and order as follows:

a. Declare and order that the movant herein has standing to appear before this court and to claim the rights of his own self and that of his family as fellow citizens and taxpaying residents of the islands of the archipelago of Puerto Rico;

b. Declare and order that the movant has indeed a right to intervene under the applicable Federal Rules of Civil Procedure, especially given the fact that the local courts, the federal district court, the federal appeals court and the own HUSSC or SCOTUS where I have appeared and filed, have not neglected me that right. ¹¹

c. Declare and order that the debt incurred by the Government of Puerto Rico in violation of Federal Law 87-121 of August 3, 1961 and the Section 2 of Article VI amendment of 1961 to the Constitution of Puerto Rico null and void ab initio or nunc pro tunc. See history of this amendment in a Complementary Motion To Intervene And Requesting Declaratory Judgment that I timely filed in Lex Claims, LLC. Et AL, Et AL. V. Ricardo Rosello Nevares, Et AL, Et AL.; 16-02374(FAB). Exhibit 3.

d. Declare and Order that the appearing movant was and as such shall remain as the first party appearing in the docket of these bankruptcy proceedings under PROMESA to raise the issue of the annulment or nullity and voidness nature of the debt incurred by the Government of Puerto Rico for which the statue named PROMESA, Public Law 114-187 of June 30, 2016, was promulgated by the U.S. Congress for the fiscal control of the debt incurred throughout the past 50 years by different governing administrations and legislative bodies of Puerto Rico.

¹¹ In the case of the HUSDCPPR Honorable Judge FAB, initially he did in 16-01037, but after the HUSCA1C issued a briefing schedule order in appeal 16-2208 of that ruling, FAB in my following intervention in 16-2374, not only did not deny me standing but went as far as ordering not once, but twice the appointment of legal counsel to represent me in that litigation. I humbly thank him for being just this second time.

e. Declare and order that since the record evidence shows, ergo proves, that this proposed or putative intervenor was the first in time, ergo, first in right litigant in this and all the closely related previously filed and cited cases, causes of action, and/or controversies to allege, aver and claim that this timely and pertinent intervention was intended from the beginning as a "Qui Tam" action and given the potential for an eventual compensation for the damages suffered, that this movant be judicially acknowledged as the originator and as such the first in time, ergo, first in right holder of them whatever financial benefits may result from said legal action and theory as a bona fide and the original raiser of this theory of law..

f. Declare and order that the Government of Puerto Rico be reimbursed for and place into an escrow account all the e moneys paid by the latter to foot the bill of the attorney's fees, travel and lodging costs, salaries and all other expenses and monetary obligations incurred by the members of the unilaterally and illegally imposed Fiscal Control Board so far and order the suspension of any further disbursements from the Puerto Rican fisc to pay for expenses belonging to the FMBPR.

g. Declare and Order all of the long-term debt incurred into for non-housing purposes also legally and judicially null and void ab initio or nunc pro tunc.

So I State, Allege and Pray.

Respectfully submitted in San Juan, Puerto Rico this 23rd day of September, 2019.



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